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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,124

09/25/2006

David Roxburgh

36-2015

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EXAMINER

VU, BAID

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

03/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/594,124</p>	<p>Applicant(s) ROXBURGH ET AL.</p>	
	<p>Examiner Bai D. Vu</p>	<p>Art Unit 2165</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165

/B. D. V./
Examiner, Art Unit 2165

Continuation of 11. does NOT place the application in condition for allowance because:

With respect to the applicant's argument, asserted on pages 2-3 of the Remarks that applicant has provided portions (page 11 lines 13-22) in the instant specification to support the amended limitations in claims 16 and 17 filed on 7/31/2009. Therefore, the claims fully comply with 35 U.S.C. §112, first paragraph.

In response to the applicant's argument, the examiner respectfully disagrees because the claimed application hosting sub-system and the listener 112 in the supported portion are interpreted as not being connected or related. There is not any definition that describes the claimed application hosting sub-system is the listener 112. Therefore, the rejection of claims 16 and 17 under 35 U.S.C. §112, first paragraph is maintained.

With respect to the applicant's argument, asserted on pages 3-6 of the Remarks that Wilding et al. does not disclose the feature of "the gateway including notification means for initiating an unauthenticated and unencrypted connection to one or more of the application hosting sub-systems and transmitting over this or each such connection a notification for notifying said one or more of the application hosting sub-systems that it should initiate a secure authenticated connection with the gateway" as recited in claim 16.

In response to the applicant's argument, the examiner respectfully disagrees because Wilding et al. discloses as the process starting from the step of transmitting the Temporary Server Public Key from the service gateway 110 to the service client 108 (i.e., interpreted as a notification to verify the authenticated information); until the step of establishing secure, authenticated and encrypted connection between the service gateway 110 and the service client 108 (see e.g., ¶¶ 0028 - 0040). Therefore, the rejection of claim 16 under 35 U.S.C. §103 is maintained. Claim 17 recites features similar to those of claim 16; therefore, claim 17 is rejected as same reason as discussed in claim 16.

Applicant is reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541,550-51 (CCPA 1969). Therefore, the aforementioned assertion is moot.

Based on the above consideration, regarding applicant's Remarks, the applicant's arguments have been considered carefully, however, the rejections are maintained as set forth in the Final Action mailed on 11/19/2009.

Continuation of 13. Other: For purposes of appeal, the set of claims 2-6, 8 and 16-18 filed on 7/31/2009 will be entered.